

**United States Department of Housing and Urban Development**  
**Office of Hearings and Appeals**  
**Washington, DC**

U.S. DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT

Petitioner,

v.

[ Name(s) ]

Respondent.

Docket No. [ docket number ]

Issued: [ Date ]

**SUBPOENA IN A CIVIL CASE**

**TO:** [ Name ]  
[ Address ]

**YOU ARE DIRECTED** to appear at the place, date, and time specified below to testify at a hearing in the above case.

PLACE OF TESTIMONY

DATE AND TIME

AND / OR

**YOU ARE DIRECTED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

AND / OR

**YOU ARE DIRECTED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

AND / OR

**YOU ARE DIRECTED** to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

AND / OR

**YOU ARE DIRECTED** to produce and provide to counsel for the requesting party copies of documents specified in the attached Exhibit A. If any clarification of the items to be produced is

needed, you should confer directly with counsel for the requesting party. Absent consent of counsel for the requesting counsel (or approval of the Administrative Law Judge), copies of the specified documents should be provided to counsel for the requesting party on or before:

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(SEAL)

[ Name ]

Administrative Law Judge

<b>PROOF OF SERVICE</b>	
DATE	PLACE
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE
<b>DECLARATION OF SERVER</b>	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.	
Executed on _____	SIGNATURE OF SERVER _____
DATE	ADDRESS OF SERVER _____

## 24 C.F.R. § 26.43 Subpoenas.

- (a) *General.* Upon written request of a party, the ALJ may issue a subpoena requiring the attendance of a witness at a deposition or hearing, and/or the production of documents. The request shall specify any documents to be produced and shall list the names and addresses of the witnesses.
- (b) *Time of request.* A request for a subpoena in aid of discovery shall be filed in time to permit the conclusion of discovery 15 days before the date fixed for the hearing. A request for a subpoena to testify at the hearing shall be filed at least 3 days prior to the hearing, unless otherwise allowed by the ALJ for good cause shown.
- (c) *Content.* The subpoena shall specify the time and place at which the witness is to appear and any documents the witness is to produce.
- (d) *Service and fees.* Subpoenas shall be served, and fees and costs paid to subpoenaed witnesses, in accordance with Rule 45(b)(1) of the Federal Rules of Civil Procedure.
- (e) *Motion to quash.* The individual to whom the subpoena is directed or a party may file a motion to quash the subpoena within 10 days after service, or on or before the time specified in the subpoena for compliance if it is less than 10 days after service.

**MOTIONS TO QUASH.** Any objection to compliance with this subpoena should follow the guidance in Rule 45(c) of the Federal Rules of Civil Procedure, and be sent to the Administrative Law Judge at the Office of Hearings and Appeals, 451 7<sup>th</sup> Street, S.W., Room B-133, Washington, D.C. 20410 (U.S. Mail), or 409 3<sup>rd</sup> Street, S.W., Washington DC, 20024 (Delivery Service), or by email to: [alj.alj@hud.gov](mailto:alj.alj@hud.gov), showing proof of service upon the requesting party identified in the subpoena.

**DUTY TO COMPLY.** For duties in responding to this subpoena, see generally, Rule 45(d) of the Federal Rules of Civil Procedure. If a person fails to comply with a subpoena issued under this section, the party requesting the subpoena may, to the extent authorized by applicable law, apply to the appropriate United States district court for an order requiring compliance with the subpoena.